

ABOUT THE MEDIATION PROGRAM

The Court of Common Pleas Mediation Program provides victims and offenders a way to resolve certain criminal offenses by providing individuals a way to work out disagreements in a safe and confidential setting without having to go to trial. Face-to-face mediation, with the help of a trained mediator, benefits both parties and the community as a whole. Individuals can often resolve their own conflicts more effectively and satisfactorily than the courts.

Mediation provides the following benefits to the parties involved:

- **Mediation settlements are fair.** The parties in the dispute decide how they can resolve their disagreement.
- **Mediation agreements are voluntary.** Parties have the option of participating in the Mediation Program or of following the customary trial procedure route.
- **Mediations are confidential.** Information discussed during the process will remain within the process and is not a part of the public record.
- **Mediation is easy to use.** Appointments will be scheduled to suit the needs of the parties involved.
- **Mediation is fast.** Due to the backlog of cases in the Court of Common Pleas, it takes many weeks to go to trial. In most cases, mediation can be accomplished within two or three weeks.

- **Mediation can save money.** It can cut the costs of legal fees because the parties in a dispute resolve their disagreement themselves.
- **Mediation has a high success rate.** Mediation has proven to be one of the most successful tools of the Criminal Justice System. In similar programs, parties have reported satisfaction rates of over 90%.

HOW MEDIATION CAN WORK FOR YOU

There are two types of Mediation cases available through the Court of Common Pleas Mediation Program.

1. **Court-Generated Mediation** This type applies to those for which criminal charges have already been filed. To benefit from mediation, the case **MUST** be transferred from Justice of the Peace Court to the Court of Common Pleas.
2. **Community-Generated Mediation** This type applies to cases in which no charges have yet been filed. In these cases, victims and alleged offenders are usually referred by an investigating police officer or by a Justice of the Peace, sometimes referred to as Magistrate.

Court-Generated Mediation

- At the time of the defendant's Arraignment in the Court of Common Pleas, the case is selected and approved for Mediation by the Deputy Attorney General. If the defendant and his/her attorney agree, the case is referred to the Court of Common Pleas' staff to initiate the process. **The case remains on the regularly scheduled event calendar in case mediation is not successful. The parties must attend all scheduled Court hearings.**
- The case is referred to the Center for Community Justice, which will contact all victims involved to determine if they are amenable to Mediation as a means to resolving the case. If the victims and defendant agree, a mediation session will be scheduled at the Delaware Center for Justice in downtown Wilmington.
- The session is facilitated by a trained Mediator, who attempts to fairly resolve the dispute and satisfy the needs of all participants. All parties are given the opportunity to express their feelings about the case and to state the facts as they see them.
- A written agreement is prepared and signed by all parties. The agreement will contain specific conditions which must be met within a specific period of time.
- Staff will monitor the conditions of the agreement and assist parties in keeping the terms of the agreement. Restitution, often a primary condition of the agreement, will also be monitored by staff.

- Once the conditions of the agreement are met, the charges against the defendant are formally dropped by the Court.

Community-Generated Mediation

- An investigating police officer or a Justice of the Peace (Magistrate) will identify certain cases as being eligible for the Mediation process. The parties involved will be given information about the program. No criminal charges are filed at this point.

- One of the parties, usually the victim, will contact the program at:

Center for Community Justice
1129 Airport Road
Milford, DE 19963
Phone: 1-866-424-0890, ext. 2
The call is toll free

- The other parties to the case will be contacted by the program to determine if they agree to the mediation. If the parties all agree, the case is referred to the Delaware Center for Justice.

- The same process as the Court-Generated Mediation is then followed. Assuming the mediation process is successful, a written agreement is then prepared. The conditions of the agreement are monitored in the same manner. If the mediation is unsuccessful, the victim has the right to proceed with criminal prosecution.

THE COURT OF COMMON PLEAS MEDIATION PROGRAM SUBSCRIBES TO THE FOLLOWING BELIEFS:

- Face-to-face mediation promotes forgiveness and restoration, which benefits all parties and the community as a whole.
- Individuals can often resolve their own conflicts more effectively and satisfactorily than the Courts.
- The mediation process can be quicker and more effective than the trial process.
- The Court of Common Pleas Mediation Program focuses on restoration of all parties.
- Criminal acts impact the entire community; therefore, the community should have a role in determining the outcome.

For More Information Contact:

Patricia S. Justice, Esq.
Court of Common Pleas
Mediation Program
302-255-0939

This program is funded through the Delaware Criminal Justice Council by the
 U.S. Department of Justice,
 Bureau of Justice Assistance

Court of Common Pleas

Mediation Program

*“Justice Through Resolution, Not
 Prosecution”*

Court of Common Pleas
500 North King Street, Ste. 20
Wilmington, DE 19801
302-255-0939

Center for Community Justice
1129 Airport Road
Milford, DE 19963
1-866-424-0890, ext. 2

Delaware Center for Justice
100 West 10th Street, Suite 905
Wilmington, DE 19801
302-658-7273